

# EXHIBIT B

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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IN RE: PROCESSED EGG PRODUCTS, : MDL NO. 2002  
ANTI TRUST LITIGATION : 08-md-02002

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CONFIDENTIAL

Videotaped deposition of JAYSON LUSK,  
PH.D., held at the offices of PEPPER HAMILTON LLP,  
3000 Two Logan Square, 18th and Arch Streets,  
Philadelphia, Pennsylvania 19103-2799, on Friday,  
May 15, 2015, beginning at approximately 8:38  
a.m., the proceedings being recorded  
stenographically by Gail Inghram Verbano,  
Registered Diplomate Reporter, Certified Realtime  
Reporter, Certified Shorthand Reporter-CA (No.  
8635), and transcribed under her direction.

1       emphasize the -- the following part of that  
2       sentence, which says that -- that "this  
3       disagreement highlights the need to make  
4       integrative relative assessments of the importance  
5       of different factors."

6               Q.   And you still agree with that  
7       statement today, that experts often disagree about  
8       the welfare implications of different housing  
9       conditions?

10              A.   Yes.   In -- in light of the entire  
11       sentence that's mentioned there, with -- with the  
12       need to try to integrate that disagreement in some  
13       meaningful way.

14              Q.   And, in fact, experts in Europe  
15       disfavor cage systems because those experts place  
16       more emphasis on allowing hens to exhibit natural  
17       behaviors; correct?

18              A.   In general, many of the animal welfare  
19       experts in Europe have placed a higher weight on  
20       the freedom related to -- the ability to exhibit  
21       natural behaviors.

22              Q.   Okay.   And one of the results of that  
23       emphasis is that they disfavor caged systems;  
24       correct?

25              A.   Caged systems have been banned in

1 Europe since 1999, so yes. I -- yes.

2 Q. And are you familiar with the UEP  
3 Scientific Advisory Committee on animal welfare?

4 A. I am familiar with it, yes.

5 Q. Okay. And are you aware that the  
6 Scientific Advisory Committee rejected the  
7 approach of providing nesting boxes and other  
8 enriched cage features because of the higher  
9 mortality associated with housing hens in the  
10 space that's needed to provide those kinds of --  
11 that kind of an environment?

12 MR. PATTON: Objection to the form.

13 THE WITNESS: Which -- which  
14 scientific committee are we referring to?

15 BY MS. SUMNER:

16 Q. The UEP Scientific Advisory Committee.

17 A. In which years?

18 Q. I'm sorry?

19 A. I'm asking in which years.

20 Q. Well, you're aware that in 2000 the  
21 Scientific Advisory Committee came up with the  
22 series of recommendations for guidelines for the  
23 well-being of egg-laying hens; correct?

24 A. I am aware of that.

25 Q. Okay. And are you aware that in those

1                   So I don't -- I think actually what is  
2                   in our book is very qualified.

3                   BY MS. SUMNER:

4                   Q.   You would agree that food retailers  
5                   like McDonald's and Burger King adopted improved  
6                   animal welfare standards as a result of pressure  
7                   from activists groups and a perception that these  
8                   changes were demanded by their customers; correct?

9                   MR. PATTON:   Object to the -- object  
10                  to the form of that question.

11                  THE WITNESS:   So what I know is that  
12                  those companies individually on their own accord  
13                  adopted standards for larger -- you know, larger  
14                  cage space, among other -- potentially other  
15                  issues.

16                  BY MS. SUMNER:

17                  Q.   And do you agree that they did that as  
18                  a result of pressure from animal activists groups?

19                  A.   I'm not entirely sure what all the  
20                  factors were motivating them.   I am confident in  
21                  saying one of the factors was response to pressure  
22                  from activists groups.

23                  Q.   And another factor was a perception  
24                  that these changes were demanded by their  
25                  customers?

1 A. Okay.

2 Q. And I'd just like to read you the  
3 second sentence. You wrote: "On the marketing  
4 front, food retailers such as McDonald's and  
5 Burger King have adopted improved animal welfare  
6 standards as a result of pressures from activists  
7 groups and a perception that such changes were  
8 demanded by their customers."

9 A. Uh-huh.

10 Q. Did I read that correctly?

11 A. You did.

12 Q. And did you agree with that statement  
13 when you wrote it?

14 A. I agree with it. I will admit it  
15 was -- it was part of our speculation. I don't  
16 have any evidence to know what their actual  
17 customers were -- were demanding.

18 Q. Okay. But when you wrote this and  
19 submitted it for publication, you didn't state  
20 that you were speculating, did you?

21 A. This sentence does not specifically  
22 state it was a speculation.

23 Q. And, in fact, you -- it's an  
24 unqualified statement that they did this as a  
25 result of pressures from activists groups and a